

DM-10/2003

ATTORNEY DOCKET NO: KCX-859 (19100)

F/NV

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: MacDonald, et al.) Group Art Unit: 1616
Serial No: 10/731,256) Examiner: Unknown
Filed: December 9, 2003) Our Account No: 04-1403
Confirmation No: 4720) Customer No: 22827
Title: Triggerable Delivery System For Pharmaceutical And)
Nutritional Compounds And Methods Of Utilizing Same)

Commissioner for Patents
U.S. Patent and Trademark Office
Post Office Box 1450
Alexandria, VA 22313-1450

Sir:

The following is an Information Disclosure Statement for the captioned patent application, pursuant to 37 CFR Sections 1.56, 1.97, and 1.98.

1.[x] Attached hereto is:

- a.[x] A list of materials for consideration per Rule 98(a)(1): 2 page(s)
- b.[x] A legible copy of each patent, publication, or other item listed per Rule 98(1)(2), unless not required per Rule 98 and/or as indicated on the attached list(s):
24 item(s)
- c. [] For each non-English language item listed, pursuant to Rule 98(a)(3), a concise explanation of the relevance thereof as it is presently understood by the individual designated in Rule 56(c) most knowledgeable about the content of such items: _____

[] Such explanation is provided in the Search Report from a corresponding application enclosed herewith along with any enclosed translation into English.

2.[x] This Information Disclosure Statement is being filed [CHECK ONE]:

- a.[x] WITHIN THREE MONTHS of the application filing date, national stage date of entry, or along with or after a request for continued examination, OR BEFORE the mailing date of a first Office Action on the merits, which ever event occurs last, WHEREFORE per Rule 97(b) NO filing fee or Rule 97(e) certificate is required.
- b. [] AFTER the time periods of section 2.a above, but BEFORE a Final Action, Notice of Allowance OR an action that otherwise closes prosecution, WHEREFORE PER Rule 97(c) submitted herewith is [CHECK ONE]:
 - i. [] Certification per Rule 97(e); OR
 - ii[] Filing Fee per Rule 17(p)\$180.00
- c. [] AFTER a Final Action OR Notice of Allowance, but BEFORE payment of the issue fee, WHEREFORE per Rule 97(d) submitted herewith is:
 - i. Certification per Rule 97(e); AND
 - ii. Filing fee per Rule 17(p)\$180.00

3. [] Rule 97(e) Certification; per Rule 97(e), the undersigned certifying party make the following certification statement [CHECK ONE]:

- a. [] That each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement; OR
- b. [] That no item of information contained in this Information Disclosure Statement was cited in a foreign patent office in a counterpart foreign application and to the knowledge of the undersigned after making a reasonable

CERTIFYING PARTY (if different from bottom signature; omission here indicates that certification is being made by signer per signature below).

Name: _____ Signature: _____
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4.[x] DEPOSIT ACCOUNT AUTHORIZATION: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any fees in addition to the fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (deficiency only) now or hereafter relative to this application and the resulting official document under Rule 20, or credit any overpayment, to our Account No. shown in the heading hereof for which purpose a duplicate copy of this sheet is attached. This statement does not authorize charge of the issue fee in this case.

5.[x] CERTIFICATE OF MAILING: This Information Disclosure Statement is being filed pursuant to [CHECK AND COMPLETE ONE]:

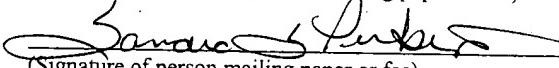
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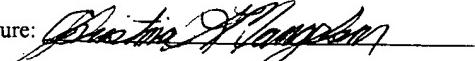
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By: Christina L. Mangelsen, Patent Agent

Reg. No: 50,244

Signature: 

Date: November 15, 2004

NOV 18 2004
PATENT & TRADEMARK OFFICE
Rev. 5/92)

Information Disclosure Statement List By Applicant(s) Under 37 CFR Section 1.98(a) (1) (Use several sheets if necessary)	Attorney Docket Number: KCX-859 (19100)				Serial Number: 10/731,256		
					Applicant: MacDonald, et al.		
					Filing Date: December 9, 2003		Group Art Unit: 1616
					Confirmation No: 4720		

NOTE: If no indication is made in the column marked "COPY NOTE," the required legible copy of the corresponding item is submitted herewith; otherwise, a copy is not required and/or not submitted, for the following reason(s) [corresponding reason number is listed in "COPY NOTE" column]

- (1) This item is cumulative, per Rule 98(c)
- (2) A copy of this item was previously cited by or submitted to the U.S. Patent and Trademark Office in:

USSN _____ filed _____, or
USSN _____, filed _____;

- (3) Relied on under 35 U.S.C. Section 120, per Rule 98(d)
- (4) Both reasons (1) and (2) apply
- (4) No legible complete copy is possessed, in custody of controlled, or readily available
- (5) Per the U.S. Patent and Trademark Office's waiver of Rule 98(a)(2)(i), the item is a U.S. patent or patent application publication, and the present application was filed after June 30, 2003.

EXAMINER INITIALS	PATENTEE NAME	PATENT NUMBER							ISSUE DATE	COPY NOTE
	Berry	3	5	0	7	2	6	9	04/21/1970	5
	Hoshino, et al.	3	6	1	5	4	7	8	10/26/1971	5
	Pratt, et al.	3	7	9	4	4	9	7	02/26/1974	5
	Nakamura	4	8	2	3	8	0	3	04/25/1989	5
	Withers, et al.	5	2	4	5	1	1	7	09/14/1993	5
	Müller, et al.	5	3	6	6	9	4	7	11/22/1994	5
	Hüsler, et al.	5	7	9	5	9	8	5	08/18/1998	5
	Diamond, et al.	6	2	6	4	6	1	5	07/24/2001	5
	Pedersen	6	6	0	7	7	1	1	08/19/2003	5

U.S. PATENT APPLICATION PUBLICATIONS

EXAMINER INITIALS	APPLICANT'S NAME	PUBLICATION NUMBER							PUBLICATION DATE	COPY NOTE
	Hage, et al. 2003	0	0	5	0	2	1	1	03/13/2003	5
	Rodriguez-Fernandez 2001	0	0	5	6	2	4	6	12/27/2001	5
	Jakob, et al. 2002	0	0	6	6	5	4	2	06/06/2002	5
	Fischer, et al. 2002	0	0	9	1	0	7	1	07/11/2002	5
	Rosenberg, et al. 2003	0	1	0	0	8	4	2	05/29/2003	5

FOREIGN PATENT DOCUMENTS

EXAMINER INITIALS	COUNTRY	DOCUMENT NUMBER							PUBLICATION DATE	TRANSLATION			COPY NOTE
										YES	NO	N/A	
	EP	1	1	6	2	1	7	2	A1	12/12/2001			
	EP	1	1	8	8	8	5	4	A1	03/20/2002		X	
	EP	1	2	1	4	8	7	8	A1	06/19/2002		X	
	WO w/ English Abstract	0	0	2	9	0	3	6	A2 & A3	03/25/2000	X		

(Rev. 5/92)		Attorney Docket Number:	Serial Number:
Information Disclosure Statement List		KCX-859 (19100)	10/731,256
By Applicant(s)		Applicant:	
Under 37 CFR Section 1.98(a) (1)		MacDonald, et al.	
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		December 9, 2003	1616
		Confirmation No:	
		4720	

	WO 2004	0	0	0	9	8	6		A1	12/31/2003			X	
	WO w/ English Abstract	0	0	5	9	5	5	5	A1	10/12/2000		X		
	WO	9	7	2	5	0	7	6	A1	07/17/1997		X		

**NO" means that no copy of an English language translation is within the possession, custody, or control of, or is readily available to any individual designated in Rule 56(c).

EXAMINER INITIALS	OTHER DOCUMENTS		COPY NOTE
	Specify author (if any), Title, Pertinent Pages, Date & Place of Publication		
	Abstract of SU834073		05/30/1981
	PCT Search Report and Written Opinion for PCT/US2004/011596		08/30/2004
	PCT Search Report and Written Opinion for PCT/US2004/016933		11/02/2004
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